

ORDER OF BUSINESS

1. Call to Order; Pledge of Allegiance

President Francee Fuller called the regular meeting of the East Penn Board of School Directors to order at 7:30 p.m. in the Board Room located at 800 Pine Street, Emmaus, PA, followed by the Pledge of Allegiance.

Board Members Present: C. H. Ballard, A. Earnshaw, F. Fuller, E. Gannon, C. Jones,  
S. Kowalchuk, M. Prinzing, T. Richwine, J. Stolz

Solicitor: Marc S. Fisher, Esq., Worth, Magee, and Fisher

Board Treasurer: Gary Reigal

Board Secretary: Cecilia R. Birdsell

Superintendent of Schools: Dr. Thomas L. Seidenberger

Press Present: Kevin Ameran, Morning Call Reporter  
Sharon Schrantz, East Penn Press Reporter

2. Recognition of Students

- Jake Moore & Alli Hoff - Students wrote and edited a public service announcement for the Lehigh County Office of the Aging.

Secondary Supervisor Linda DeIvernois introduced the 60 second public service announcement that Ms. Hoff and Mr. Moore had produced for the Lehigh County Office of the Aging. The students investigated the information, wrote the script, and interviewed people who work for the service as well as recipients of the services. Mr. Didra explained that many hours of work went into the preparation of the final 60 second announcement.

Dr. Seidenberger and Ms. Fuller presented the students with Certificates of Recognition. They received a round of applause from the audience.

- PSBA Green Architecture Participants: Team Green consisted of the following seniors:

Steven Royer  
Gopal Nataraj  
Jonathan Slutsky

John Pavlacka  
Nicolas Olivares

Mrs. DeIvernois explained the First Annual Green Design Architecture Contest that was sponsored by the PA School Boards Association. Technology Education teacher Scott Didra introduced the students and explained that 60 school districts participated and 20 were recognized. The class took a field trip to Philadelphia. The students who were present this evening were Steven Royer, Gopal Nataraj, and Nicolas Olivares and they relayed their experience of renovating and designing a green elementary school. They learned the basic concepts of using recycled materials, bamboo flooring, trees on the roof for cooling, and innovative architectural equipment for determining light on a building, etc.

Dr. Seidenberger and Ms. Fuller presented Certificates of Recognition to the students in attendance. They received a round of applause. She noted that students do not reach these levels of achievement without dedicated teachers such as Scott Didra.

3. Requests to Address the Board

President Francee Fuller explained that this is not an interactive meeting and the limit for comments is three minutes. If there are repetitive comments, she will have to interrupt. She noted that this evening there are many agenda items to cover. The primary focus of this evening's meeting will be the bids for the Willow Lane Elementary School. The budget will be covered on June 23. The process is that the administration will follow up on any questions that are asked and the Board will be apprised. She pointed out that board members are duly elected officials who do not receive any compensation for their services.

Eileen Crompton, 4090 Mountain Road, Macungie and student Blake Barbarics thanked the Board for its support of Autism Awareness. The district overall has raised \$10,000 to \$12,000. She noted that there had been a walk from Lincoln School to Emmaus HS and over \$5,000 had been raised with the help of the EHS Interact Club. Lincoln teacher Mrs. Karen Gennaro walked the kindergarten students to the East Penn Bank to deposit the money from a class fund raiser. She complimented the East Penn Press for their coverage. Blake said that he believed that there is a cure for autism and it will be found.

Giovanni Landi, 869 Frank Drive, Emmaus said he was opposed to a tax increase. He felt the Board should take into account the decline of the dollar, oil prices, food prices, unemployment rate, and the inflation rate of 12%-15%. He felt a tax increase at this time was a lack of concern for taxpayers. He asked that the Board not approve the tax increase.

Richard Jones, 6702 Kings Highway, Zionsville spoke about senior citizens paying taxes long after their children have graduated, adding that many of them live on fixed incomes. He felt that the exorbitant tax increase being proposed was unfair for all residents going through the current recession. He said many of the citizens send their students to private schools to get a higher quality education and questioned why they should be burdened with excessive tax increases when the real estate market is declining. He suggested the Board investigate what programs and transportation costs can be cut. The Board should tell the administration what the numbers are and the administration should work with those numbers and not the other way around. The residents elect the board members, not the administrators. He concluded that their only recourse was to vote out the irresponsible Board and replace them with responsible participants. Teachers need to feel the sacrifice the same as the residents. The schools need to eliminate any unnecessary spending and adhere to a strict budget. The school's main function is to educate the youth and anything beyond that should be up for scrutiny. Mr. Jones believes that East Penn should focus on bringing the students up to the level of the rest of the world. The last report he saw indicated we were tied with Latvia for 24th place academically overall. He highly doubted that the schools in Israel, China, and India are spending near as much per pupil as East Penn. He thanked the board members for keeping the East Penn schools among the nation's highest in quality. He concluded that when the administration asks for more money, the Board should quell that or risk being replaced. In PA residents are not given any choice in raising taxes but residents do have a choice about who to vote for. He submitted a study to the Board Secretary on how to reduce fuel costs.

Teresa Stevenson, 4991 Shimerville Road, Emmaus spoke against the tax increase. She commented that residents have to live within a budget so should the district.

Robert Doney, 3441 Bleiler Road, Emmaus said it was very hard for young people who are building a home, residents on fixed incomes, and just ordinary people to live the district's way. He said if he made a six figure income like the Superintendent and the administrators, he would feel differently. He accused the Board of making his life a little more miserable.

Mr. Edgar Housman, Champagne Drive, Emmaus opposed the tax increase and suggested students be charged \$200 a year for parking and, if it is not paid, they would not receive a diploma. This would cut down on running half empty buses. He said the state is giving the district \$169 from the state gambling funds. He commented on the teacher's raise. He felt the district was greedy and should live on the \$169 from the state.

Spencer Davis, 2767 Mill Race Road, Emmaus said he had questioned the Public Participation in Board Meetings policy at the last meeting and had not received a response. He criticized Ms. Fuller for comments made before the meeting and said the Board was being irresponsible. He then went into a philosophical dissertation about the true length of a minute. He concluded that he was irked and may run for the Board himself in the next election.

Otto Slozer, 121 E. Elm Street, Emmaus expressed his opposition to the 4.4% tax increase and spoke about how it affects his wife. He said he is on a fixed income and his wife works for a company in the Lehigh Valley that does not give its workers a 4.4% increase. He said the Board negotiated a 5% increase for the teachers. The board and administration should know how to hold the line and he had statistics that the spending in the East Penn School District is double the rate of inflation. He commented that the price of oil is having a direct impact on everyone and that disposable income is not what it used to be. He expressed concern about the cost of heating oil and senior citizens having to decide whether to "heat or eat." He talked about the Depression Years and how schools operated. He concluded that the Board should do the right thing for the people and hold the line.

Ed Martin, Upper Milford Township asked Mr. Slozer to present a letter expressing his opposition to the tax increase. The letter is attached to the permanent minutes of this meeting.

Carl Stevenson, 4991 Shimerville Road, Emmaus was very direct and said "no tax increase" because the people cannot afford it. Taxes have increased and there has been no increase in student learning. He said the Board should look at the budget and not have it dictated by the administration. He threatened the Board by saying that if they approved a tax increase then he "would make it his work to see that any of the members who vote for a tax increase this year do not serve another term on this Board."

4. Approval of Minutes

Motion by Ballard, Seconded by Gannon

RESOLVED, That the East Penn Board of School Directors approve the minutes for the May 12, 2008 meeting.

President Fuller commended Board Secretary Cecilia Birdsell for her excellent recordkeeping and giving the full flavor of the discussion. Ms. Fuller said that if anyone was interested the minutes and the budget are on the website, emphasizing this is an open and transparent school district. For those individuals who do not have a home computer, they can access the district website from the computers in the local public libraries.

This motion was unanimously adopted by voice vote.

5. Report of the Superintendent of Schools - Dr. Thomas L. Seidenberger

1. Personnel

Motion by Ballard, Seconded by Earnshaw

RESOLVED, That the East Penn Board of School Directors approve the following personnel items:

Resignations

- Judy Cunningham, Academic Support Instructor at LMMS, effective June 16, 2008 (Exhibit 1)
- Nancy Ritter, Food Services Department, effective June 11, 2008 (Exhibit 2)
- Carla Reed, Teacher Aide at Emmaus HS, effective May 30, 2008 (Exhibit 3)
- Amy Davis, Teacher Aide at Emmaus HS, effective June 4, 2008 (Exhibit 4)
- Mary Marshall, Academic Support Instructor, effective June 16, 2008 (Exhibit 5)
- Lisa Hendricks, Special Education Teacher at Jefferson School, effective immediately as per Board Policy 454, Acceptance of Resignations

Temporary Professional Employee Appointments

Name/Address: Cheryl Boryowski  
1076 Timberridge Lane, Allentown 18104  
Education Level: BA/BS Degree  
M. Ed. Degree (2006)  
Undergraduate School: Bloomsburg University  
Graduate School: Cedar Crest College  
Certification: Instructional I, Elementary  
Effective: 2008-09 School Year  
Assignment: Grade 1, Wescosville School  
Vacancy created by C. Finney resignation  
Experience: 9/07-Present: East Penn SD  
Salary: \$50,403 (Step B, Year 2, Col. M)

Name/Address: Ross Cooper  
337 S. New Street, Bethlehem 18015  
Education Level: B. A. Degree (2005)  
M. Ed. Degree  
Undergraduate School: Muhlenberg College  
Graduate School: Lehigh University  
Certification: Instructional I, Special Education, ML  
English, Elementary  
Effective: 2008-09 School Year  
Assignment: Grade 4, Wescosville School  
Vacancy created by M. A. Alick retirement  
Experience: 1/08-Present: East Penn SD  
3/07-6/07: Easton SD (per diem substitute)  
Salary: \$50,403 (Step B, Year 2, Col. M)

Name/Address: Danna Feigenbaum  
1664 Pinewind Drive, Alburtis  
Education Level: B. S. Degree (2001)  
B. A. Degree (2005)  
Undergraduate School: Bloomsburg University  
DeSales University  
Certification: Instructional I, Elementary  
Effective: 2008-09 School Year  
Assignment: Grade 4, Wescosville School  
Vacancy created by M. E. Hammer retirement  
Experience: 9/07-Present: East Penn SD  
Salary: \$42,900 (Step B, Year 2, Col B)

Name/Address: Marie Larson  
230 Maple Court, Alburtis  
Education Level: B. A. Degree (2003)  
Undergraduate School: Hanover College  
Certification: Instructional I, Elementary  
Effective: 2008-09 School Year  
Assignment: Grade 3, Alburtis School  
Vacancy created by D. Evans retirement  
Experience: 1/08-Present: East Penn SD  
8/03-6/07: Immaculate Heart of Mary, Indianapolis,  
IN  
Salary: \$42,900 (Step B, Year 2, Col. B)

Name/Address: Emily Vernon  
40 S. 14th Street, Allentown 18102  
Education Level: B. S. Degree (2006)  
Undergraduate School: Kutztown University  
Certification: Instructional I, Elementary  
Effective: 2008-09 School Year  
Assignment: Grade 2, Shoemaker School  
Vacancy created by M. A. Clark retirement  
Experience: 9/06-Present: East Penn SD  
Salary: \$43,200 (Step C, Year 3, Col. B)

Name/Address: Lisa Van Ormer  
2240 Chardonnay Drive, Macungie  
Education Level: B. S. Degree (1995)  
Undergraduate School: Slippery Rock University  
Certification: Instructional I, Elementary  
Effective: 2008-09 School Year  
Assignment: Grade 1, Wescosville School  
Vacancy created by C. Sebastian resignation  
Experience: 9/07-Present: East Penn SD  
9/96-6/03: Frederick County VA  
Salary: \$44,439 (Step H, Year 8, Col. B)

Name/Address: Julie Yonney  
420 Maple Road, Hellertown 18055  
Education Level: B. S. Degree (2003)  
Undergraduate School: Marywood University  
Certification: Instructional I, Family Consumer Science  
Effective: 2008-09 School Year  
Assignment: Family Consumer Science, Emmaus HS  
Vacancy created by K. Talboo retirement and  
subsequent transfers  
Experience: 6/03-Present: Phillipsburg (NJ) SD  
Salary: \$44,129 (Step F, Year 6, Col. B)

#### Full Time Substitute Teacher Appointments

Name/Address: Amanda Gery  
1216 Trexlertown Road, Trexlertown 18087

Education Level:	B. A. Degree (2005)
Undergraduate School:	Lycoming College
Certification:	Instructional I, Elementary
Effective:	2008-09 School Year
Assignment:	Grade 1, Shoemaker School Opening created by K. Wall leave
Experience:	2/08-Present: East Penn SD
Salary:	12/06-1/08: East Penn SD (per diem substitute) \$42,900 (Step B, Year 2, Col. B)
Name/Address:	Heather Gray 1222 N. 29 Street, Allentown 18104
Education Level:	B. S. Degree (2004) M. Ed. Degree (2006)
Undergraduate School:	Penn State University
Graduate School:	Cedar Crest College
Certification:	Instructional I, Elementary
Effective:	2008-09 School Year
Assignment:	Grade 3, Shoemaker School Opening created by A. Hoffman leave
Experience:	9/07-5/08: East Penn SD
Salary:	\$42,600 (Step A, Year 1, Col. B)
Name/Address:	Cadi Schantzenbach HC 1, Box 33E, Swiftwater 18370
Education Level:	B. S. Degree (2007)
Undergraduate School:	University of Tampa Kutztown University
Certification:	Instructional I, Elementary
Effective:	2008-09 School Year
Assignment:	Grade 4, Alburtis School Opening created by J. Burger Leave
Experience:	9/07-Present: East Penn SD
Salary:	\$42,900 (Step B, Year 2, Col. B)

Mr. Richwine described the difference between a Temporary Professional and a Full-Time Substitute Teacher. He pointed out that these individuals are replacing people who have resigned or are on leave.

#### Teacher Aide Appointment

Name/Address:	Kenia Goris 7109 Hunt Drive, Macungie
Effective:	June 10, 2008
Assignment:	Special Education, LMMS Vacancy created by L. Conrad transfer
Salary:	\$11.55/hr., 30 hrs./wk.

#### Compensated Professional Leaves

Employee:	John Burger, Elementary Teacher
Effective:	2008-09 School Year
Purpose:	Graduate Work at Wilkes University
Employee:	Chanin Deegan, IST Teacher, Macungie School
Effective:	2008-09 School Year
Purpose:	Graduate Work at Widener University

#### Additions to the Summer Maintenance Staff

See Exhibit 6

#### Leave as Per Collective Bargaining Agreement

Employee:	Lori Babel
Effective:	June 12-17, 2008

IT Department Summer Student Workers

Joe Plowman Benjamin Roth Gregory Yankovoy  
Rebecca Plowman

Returning: Alex Stashko

Co-Curricular Advisor

Steven Yoder Boys Basketball Coach \$7287.00

Salary is from Schedule B of the 2007-09 Collective Bargaining Agreement with the East Penn Education Association.

Extended School Year Elementary and Secondary Positions

See Exhibit 7

2008-9 Teacher Transfers

See Exhibit 8

Educational Conferences - Exhibit 9

That the East Penn Board of School Directors approve the expenses for the individuals attending the educational conferences listed on Exhibit 9.

Contract Approvals - Exhibits 10 and 11

RESOLVED, That the East Penn Board of School Directors approve the contracts with Educare, 188 S. First Street, Lehighton and Behavioral Health Associates, Inc., Licensed Private Academic School, 188 S. First Street, Lehighton as outlined in Exhibits 10 and 11.

Collective Bargaining Agreement Approval

RESOLVED, That the East Penn Board of School Directors approve the tentative Collective Bargaining Agreement with the Administrative Assistants and Aide Employees, subject to the solicitor's approval and authorize the appropriate personnel to affix their signatures thereto.

These resolutions were duly adopted by the following roll call vote:  
Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Richwine, Stolz-----8  
Nay: Prinzing-----1

6. Facilities

1. Bid Opening Report - Willow Lane Elementary School (Exhibit 12)
2. Contract Awards Willow Lane Elementary School

Motion by Earnshaw, Seconded by Kowalchuk  
RESOLVED, That the East Penn Board of School Directors authorize the issuance of "Notice of Intent to Award Contracts" to the contractors listed below and in the amounts listed who are the lowest responsible bidders meeting specification for the Willow Lane Elementary School Project.

General Contractor

Perrotto Builders LTD  
426 Warren Street  
Reading, PA 19601

Base Bid \$14,248,000  
Accepted Alternates (\$456,100)

Total Contract Award \$13,791,900

Accepted alternates: GC: 1,3A,4,8, 9,10, 13A, 17, 19, 20, 21, 25, 26, 28, 30, 31, 41

NOTE: All other alternates not listed above be rejected.

HVAC Contractor

Worth & Company, Inc.  
6263 Keller Church Road  
Piperville, PA 18947

Base Bid \$2,622,000  
Accepted alternates (\$5,700)  
Total Contract award \$2,616,300

Accepted alternate HC 1

NOTE: All other alternates not listed above be rejected.

Plumbing Contractor

JBM Mechanical, Inc.  
3273 Bun Club road  
Nazareth, PA 18064

Base Bid \$1,112,000  
Accepted alternate (\$1.00)  
Total Contract Award \$1,111,999

Accepted alternate PC 1

Electrical Contractor

Wind Gap Electric, Inc.  
125 West Seventh Street  
Wind Gap, PA 18091

Base Bid \$2,849,700  
Accepted alternates \$ 4,750  
Total Contract Award \$2,854,450

Accepted alternates EC 1, 3A, 4

NOTE: All other alternates not listed above be rejected.

Summary:

Total contract cost with alternates

	\$20,374,649
Base bid no alternates	\$20,831,700
Total alternates accepted	(\$457,051)

Be it further

RESOLVED, That the East Penn Board of School Directors authorize submittal of PLANCON G project accounting based on bids to the Department of Education per Exhibit 14.

Be it further

RESOLVED, That the Notice of Intent to Award Contracts are issued contingent upon submittal and approval of the required documents to the

Department of Education (PLANCON G), and required approvals from other state and local agencies with the appropriate parties being authorized to sign the documents, submittal and approval of the required bonds, Certificates of Insurance, and the required documents from the contractors as specified in the bid instructions and materials, and execution of a contract as required in the bid instructions and materials, all of the aforementioned being completed to the satisfaction of the District Solicitor.

Mr. Jim Carl, Supervisor of Maintenance, introduced the consultants who were present: Rick Bachl, Christine Carl, and Dave Drake from W2A; Robert Whartenby from URS; Paul Szewczak from Liberty Engineering; and Lee Snyder from Snyder Hoffman. Mr. Richwine said he was disappointed with where the bids came in over the estimate. He said that if the Board believes that it is necessary for the school to be built then the Board has to make the decision to either award the contracts or do something else. He was not sure that re-bidding or reworking the project is going to accomplish what is needed. There are 30 school projects being worked on right now and Allentown has a 1/4 billion dollar building program. The demand for the contracts are far in excess of the number of contractors to bid. If the project is needed and the district wants to open the school in September 2009 then the Board should take action this evening. Mr. Richwine said that voting "no" on this project means something else must be done. He said that the Lower Macungie Kindergarten Center will need significant improvements at some point. To re-design this school to be smaller simply to get down to the original estimate is not feasible. Mr. Richwine said he would support it reluctantly.

Mr. Earnshaw also expressed his disappointment with the bids. He pointed out that 1.7 million dollars was spent to meet the requirements of Lower Macungie Township during the approval process. Mr. Earnshaw said he would reluctantly accept the bids. He pointed out that the district has four portables located at the Alburtis School and 17 classrooms for kindergarten being used at Lower Macungie Elementary School. He emphasized that the population at the elementary level is continuing to increase by 32 students. There has been consistent growth at the elementary level while the middle and high school level has been flat. He concluded that it will be cheaper to build the school now rather than wait and reminded board members that whenever a project was delayed the cost went up substantially.

Mr. C. Jones said it is important that the Board communicate that it empathizes with what is happening with the economy. He said the price of steel, gas, and other commodities cannot be controlled or predicted. The things that are happening affect everyone. As the Board makes these decisions, they are based on what is right. He said inflation is more complicated than percentages and that must be accepted. He said he recognizes that there is a serious shortage of contractors who bid and he could not see any reason that would change. He was in favor of moving forward and preparing for the future.

Mr. Ballard said he had so many questions that it would take time to get through them. The Board has 120 days to accept the bids and objected to the idea that the bids must be accepted now, adding he may want to table the resolution. He said even if the bids were accepted tonight there was serious concern that the building would open in September 2009. Ms. Fuller asked that Mr. Ballard address the questions to the chair, not call on the individual consultants. Mr. Ballard asked when the first information was available that the bids were coming in 20% over the estimate. Mr. Carl responded that the district had received no notice from the architects until the bids were actually opened. They did have trouble getting bidders because of the casinos being built across the state. Mr. Ballard noted that the current bids were 4 million dollars over the estimates. Ms. Fuller asked what the project cost was for the materials. Mr. Rick Bachl, W2A architect, said the total project estimate was 16.9 million dollars. They did not have a breakdown between labor and materials. The estimates in December 2006, through 2007, and the first quarter of 2008 did not indicate that there was an increase pending. It was not until around when the bids were to be opened (May 2008) that they became concerned. The fact that the economy took the result that it did was not predictable. They feel they did everything prudent to present the bid results. Mr. Ballard wanted to know at what point was the base bid reported to the Board changed. Mr. Bachl reiterated that up to the point when the bids came in he was optimistic that the bids would be close to the estimate. He further emphasized that there is nothing in the project that is different or exorbitant from other schools in the district. Mr. Ballard asked what work W2A has done with the bidders to determine why their packages came in at the cost that they did. Mr. Bachl said he had discussions with each one of the prime contractors. The total bid for electrical included over \$800,000 for site work. The general contractor estimator indicated that there was a "phenomenal" increase in materials (re-enforcing bar, metal studs). He felt a prompt award was desirable because of the increase in light weight steel every 15 days. Mr. Bachl indicated that they believe that the best opportunity to complete the school on time is to make a decision this evening. They are not able to predict the volatile market. Mr. Ballard said his understanding of construction is that 30-35% of the costs were for materials and the remainder was for fees and labor. Mr. Dave Drake from W2A said the more generally accepted assumption in this case was that materials costs are 50%-60% of the project. Mr. Bachl reiterated that the cost overrun is

attributable to materials. Ms. Fuller mentioned that there have been changes in the regulatory climate that makes site work more expensive as well. In response to questions raised by Mr. Ballard regarding site work and the electrical costs, Mr. Paul Szewczak from Liberty Engineering explained that the location of the school had pushed it far away from the road footage that forced the electrical contractor to bring services in much longer than he would have for a regular project. The constraints put on the project by Lower Macungie Township did not relate to the electrical portion. Mr. Szewczak said that it was not only the Township but also the Department of Environmental Protection as well as other agencies that created increases relating to the sprinkler system. During the design of the project, they continually updated their regulations and forced the district into the issue before them now. Mr. Szewczak further stated that the soil conditions on this site limited the ability for other remedies. Mr. Ballard asked about the purpose of the sprinkler system. Mr. Szewczak responded that it is to manage the difference in the two-year storm water runoff. The additional runoff from the site must not leave the site. The site does not allow infiltration to be an option and the only other method was to create a sprinkler system that waters the fields. The volumes of storm water involved cannot be handled through a sewer system. The DEP manual only outlines a half dozen alternatives allowed. Mr. Szewczak said that the district could invent new ways but it would take a long time through the regulatory process. Mr. Ballard asked if the DEP had been approached with alternate methods and Mr. Szewczak responded that had been done with no success. Mr. Ballard asked how much all these items added to the project. Mr. Szewczak responded that through the design process it added a cost of 1.3 million dollars. Mr. Ballard asked when these requirements became available to the district. Mr. Szewczak said a lot of the requirements came up as the project was being designed and the sprinkler system came up very late (February/March 2008) in the project. Mr. Szewczak clarified that the sprinkler system and costs were added during the design period. Mr. Ballard concluded that this was unacceptable and he was concerned about the process.

Mr. Ballard asked about the financial impact on future budgets. Mr. Reigal said that, assuming the Board awards the bids this evening, the cost of that would actually be approximately \$230,000 a year in debt service or .137 mills higher than anticipated. The borrowing capacity of the district is about 35 million dollars. Mr. Reigal estimated that the district's growth in borrowing capacity is approximately 15 million dollars per year. Referring to the possibility of a new high school, Mr. Ballard was told that the district would not be able to finance a high school for at least six years. Mr. Reigal concurred. Mr. Ballard said he would not vote for accepting the bids this evening. Mr. Stolz introduced a motion to table.

Motion by Stolz, Seconded by Ballard

RESOLVED, That the East Penn Board of School Directors table the motion to award the contracts for the Willow Lane Elementary School.

This motion was defeated by the following roll call vote:

Nay: Earnshaw, Fuller, Jones, Kowalchuk, Richwine-----5

Aye: Ballard, Gannon, Prinzing, Stolz-----4

Ms. Kowalchuk asked about the electrical work and the number of contractors who bid the job. Mr. Lee Snyder, Snyder Hoffman, explained the site work did not fall into the percentage of total electrical work. There was extra trenching footage to the building and, overall, an extra \$500,000 for site work that was not included in the Plancon documents. Mr. Drake said the estimate was based on the Alburdis School. There was a fairly substantial amount of technology related costs that were not in the Alburdis building. Mr. Snyder said the technology alone is \$4.00 a foot over the Alburdis budget. Technology had been bid separately when Alburdis was built. Mr. Drake said there is also 1.5 million dollars in contingency funds. The architects did not feel that entire contingency was needed. Ms. Kowalchuk asked if the job was rebid with the items that are now known would the bid then be more in line with what was received. Mr. Snyder said electrical contractors are stating that data cabling over the past five years has gone up 400%. In talking with contractors, they are experiencing increases in materials at a rate of 10% in one month. Ms. Kowalchuk asked about changing the size of the multi purpose room. Ms. Christine Carl from W2A responded that the reduction in the multi purpose room footage was designed as a contingency. Ms. Kowalchuk asked about all fixed windows and the impact of not being able to open windows. Ms. Carl said the district does not receive any LEEDS points for that option and it is a district choice. Mr. Snyder said that as far as energy costs, you need to have a certain amount of ventilation/fresh air for each student. It meets the intent of the code and opening windows is not a positive measure for meeting the code. Ms. Kowalchuk asked about the projected kindergarten enrollments. Dr. Seidenberger said that, at this point, there are 436 students enrolled. It is slightly higher than last year's enrollment. There are students that can be added and the enrollment is currently in the neighborhood of 24 students/class. Ms. Gannon asked if the district has looked at the enrollment projections and re-evaluated them due to the market conditions. Dr. Seidenberger said every Plancon has enrollment projections and the number was supported by PDE. He said the administration feels reasonably sure that there won't be a growth spurt. New housing starts have also been monitored. The development that may experience growth is the Hills of Lockridge. It would not be the optimum situation if the building does not open in 2009 but we would have unequal educational opportunities across the district. The timeline for a completion date of August

15, 2009 is tight but it has been accomplished before in the district. Ms. Gannon asked about downsizing the school. Dr. Seidenberger said the administration had discussed this with PDE and, if the footprint of the building changed, then the district would have to go back to Plancon E. If there are substantial changes then the district would have to go back through the municipal approval process. Ms. Gannon asked how much could the project be changed. Mr. Drake responded that they did not feel they could get below the current situation if the project was rebid. He pointed out that you cannot bargain with the contractors after the bids have been opened. The district would have to schedule another Act 34 hearing. A substantial amount of the building would have to be removed to reduce the size. It would take at least six months before the building could be bid. Dr. Seidenberger said the staff checked with Lower Macungie Township to see what building projects are on the board and currently they include Olympic Ridge, Graymoor, Lehigh Crossings, and Hills of Lockridge (179 units have been approved).

Mr. Richwine said the reason he voted against tabling the motion was because several people had not had a chance to speak. He said he would be willing to introduce a motion to table since he was on the prevailing side. Mr. Prinzinger was asked if he had any input. He responded that Ms. Gannon had asked the same questions that he had considered. Mr. Ballard asked how close the bids took the district to the Act 34 Hearing limit. Mr. Drake said that the project is within the Act 34 limits which is \$675,000 below the maximum amount. If the district would go above the \$675,000 in change orders then another Act 34 hearing would have to be held. Ms. Kowalchuk asked what would be the time line if this motion was tabled and one of the charges would be to reduce the size of the building. Mr. Bachl explained it would involve re-designing the building and the re-approval process through the Township. The re-design could take 16 weeks and then PDE and municipal approvals would be four to six months. Mr. Drake said the real danger is building a school with less space and then having it cost the same as the current design.

Mr. Earnshaw pointed out that another challenge with reducing classrooms is that the auxiliary spaces will be over sized. He said he did not think there would be a reduction by the suppliers of 15%-20% overnight since prices will go down gradually. He did not think a delay would do anything except give more time to reject the bids. He was in favor of voting this evening. If there is a board member not in favor of the project then they should vote "no" and reject the bids. Ms. Carl said the building was based on the square foot cost of Alburtis and then escalated proportionately. She again reviewed the differences between and among Jefferson School, Alburtis School, and the Willow Lane Elementary School. She talked about reducing space which might not give the level of efficiency for which the building was originally designed. Mr. Jones asked how re-designing the building would affect their revenue. Mr. Bachl explained they had agreed to limit their fee to a percentage of the original contract estimate of 16.9 million dollars and if the project would come in over that amount there is a contractual obligation to re-design the project to bring it under the estimate. He said he did everything possible to bid this project within the first quarter of 2008. It did not happen and the project was bid in May. They made a lot of efforts in the school district's best interest. Mr. C. Jones asked what would they recommend given the Board's concern about cost. Mr. Bachl said that he believes to delay the project would have dire consequences and added that the Board may not see the school at all because the response from contractors would not be favorable, adding that most of them are tied up with building casinos. Mr. Jones asked if the architects had something to gain by re-designing the building. Mr. Bachl said if it is rebid then they are obligated to do a redesign. It was his recommendation that the project proceed and move forward.

Ms. Fuller asked Mr. Stolz if he wanted to say anything since he had not participated in the discussion. Mr. Stolz indicated that he felt his motion to table said it all. Ms. Fuller recalled her sons experience with the platoons of portables. When she was a new board member, one of the early discussions was how to get the children out of the portables. When she came on the Board in 2000, there were approximately 6,000 students and now there are more than 8,000 students. Ms. Fuller stated that the Board owes those students an education because they are the taxpayers for tomorrow. It is true that a plateau on housing starts has been reached; however, East Penn elementary schools are still continuing to grow. There are approved housing developments that could come to life any moment. She sympathized with the speakers who talked about rising costs. If the Board decides not to move forward, she believed that the district will wind up with an inferior project in the future rather than making the decision and getting the project that the students deserve. Ms. Fuller concluded that it is the responsible decision to make. Mr. Earnshaw made a motion to end debate which does not require a second.

The motion to end debate was defeated by the following roll call vote:

Aye: Earnshaw, Fuller, Jones, Kowalchuk-----4

Nay: Ballard, Gannon, Prinzinger, Richwine, Stolz-----5

Mr. Richwine presented a motion to table:

Motion by Richwine, Seconded by Ballard

RESOLVED, That the East Penn Board of School Directors table the motion to award the contracts for the Willow Lane Elementary School.

This resolution was duly adopted by the following roll call vote:  
Aye: Ballard, Gannon, Prinzing, Richwine, Stolz-----5  
Nay: Earnshaw, Fuller, Jones, Kowalchuk-----4

There was a discrepancy over whether the motion to table required 6 votes. It was found that a motion to table required a majority vote.

- 3. Willow Lane Elementary Project – PLANCON F (No action was taken on this motion) Post – Bid Opening Notification (Exhibit 13)

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_  
RESOLVED, That the East Penn Board of School Directors approve PLANCON F, Exhibit 13, post-bid opening notification to the PA Department of Education.

The Board recessed from 9:45 to 9:50 p.m.

- 7. Policy

-PSBA Standards for Effective School Governance - Exhibit 15

PSBA First Vice President Roberta Marcus discussed the PSBA Mission Statement that promotes excellence in school board governance through leadership service and advocacy for public education. Goal 3 of the PSBA Strategic Plan is "Support the role of school board members as effective ethical leaders." Ms. Marcus explained the evolution of the policy through the work of a Commission that included many members of the various educational entities. The Iowa Lighthouse Study was a pivotal part of developing this policy. The study found that decisions that are made in the board room by board members have direct impact on students and what happens in the classroom and student achievement. They developed the Standards of Governance and how boards can become ethical leaders. She reviewed the five core areas that are included. As leaders of public education, the board needs to be champions of what is needed to go about that business and need to be trained and exercise responsibility. Ms. Marcus said that this document is really a parameter and guide that can be modified. It is about board performance. She spoke about the Code of Conduct and how it is related to conflict of interest situations. The Code of Conduct talks about respect and harmony among board members and engaging the community. She concluded that 400 school districts have approved these documents.

Motion by Fuller, Seconded by Earnshaw  
RESOLVED, That the East Penn Board of School Directors adopt the PSBA Standards for Effective School Governance and Code of Conduct.

This resolution was duly adopted by the following roll call vote:  
Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Prinzing, Richwine-----8  
Nay: Stolz-----1

- 8. Legislative C. Ballard

- 1. NSBA Video

Mr. Ballard presented a video entitled, "How to Lobby Members of Congress." He thought the video would be entertaining and educational.

He reported briefly on the status of HB 2449.

- 9. Other Educational Entities

-Carbon Lehigh Intermediate Unit T. Richwine

Mr. Richwine reported that the Board of Directors met with the auditor for the IU Audit Report at the May 19 meeting. The IU got an unqualified opinion that statements were accurate. The IU sold a piece of property for \$137,000 that had been targeted as the potential site for a new building. The funds will be put into the IU Capital Reserve Account. Mr. John Schubert from the Southern Lehigh School Board was elected to the IU Board. Mr. Richwine explained the services that are offered through the IU and how it is an intermediary between school districts and the state. They provide services for districts that cannot

afford to provide them for students, especially in the area of special education. They also provide services in curriculum development, teacher training, and Human Resources.

-Lehigh Career & Technical Institute

A. Earnshaw  
F. Fuller  
S. Kowalchuk  
T. Richwine

Mr. Earnshaw reported that the JOC honored students who had competed in the Skills USA competition. He described the partnership with Siemens AG-Berlin and Munich that provide a program to train students as skilled electromechanical/mechatronic technicians. This is the only high school program in the United States that offers this certification. This program will prepare students for high wage and high demand occupations requiring highly skilled technical workers. Mr. Earnshaw reported that Director Dr. Clyde Hornberger's contract was also renewed.

10. Business Operations

1. Bill List Approval

Motion by Ballard, Seconded by Earnshaw

RESOLVED, That the East Penn Board of School Directors approve the bill list, including the addendum, and that the Treasurer be authorized to issue checks and vouchers in the amounts indicated.

Food Service Management Contract Award (Exhibit 16)

RESOLVED, That the East Penn Board of School Directors award the Food Service Management Contract for the 2008-09 school year to The Nutrition Group in accordance with their proposal of May 16, 2008; and,

Be it further

RESOLVED, That the administration be authorized to prepare the appropriate contract for review by the Solicitor.

Performance Audit Response (Exhibit 17)

RESOLVED, That the East Penn Board of School Directors accept the response and corrective action plan relative to the Auditor General's Performance Audit Report for the fiscal years ending June 30, 2006, 2005, 2004, and 2003.

Bid Opening Report - Masonry Repairs at Emmaus HS (Exhibit 19)

Contract Award - Masonry Repairs at Emmaus HS (Exhibit 19)

RESOLVED, That the East Penn Board of School Directors award the contract for masonry repairs at Emmaus HS as outlined in Exhibit 19.

Special Funding Disbursements - Exhibit 20

RESOLVED, That the East Penn Board of School Directors authorize the expenditure of from the 2004A General Obligation Bond Issue and the 2007 EGA issue as outlined on Exhibit 20

These resolutions were duly adopted by the following roll call vote:

Aye: Ballard, Earnshaw, Fuller, Gannon, Jones, Kowalchuk, Prinzinger, Richwine, Stolz-9

11. Announcements

Monday, June 9 7:00 p.m.-CLEAR Session (Personnel, Negotiations, Litigation)  
7:30 p.m.-Board Meeting

12. Adjourn

There being no further business to come before the Board, the meeting was adjourned, upon motion, at 10:40 p.m.

Cecilia R. Birdsell, Board Secretary